

EFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re patent application of:)
 William Crismore et al.)
 Serial No. 10/692,031)
 Filed: October 23, 2003)
 ELECTROCHEMICAL)
 BIOSENSOR TEST STRIP)

Before the Examiner:
Lyle Alexander
 Group Art Unit 1743

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 19, 2007.

Thomas Q. Henry
 Name of Registered Representative
Thomas Q. Henry
 Signature
 January 19, 2007
 Date of Signature

THIRD SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. 1.56, Applicant wishes to bring to the attention of the Examiner the following patents, publications and/or other information listed on the enclosed PTO Form PTO/SB-08A and/or PTO/SB-08B. This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. Copies of cited items are enclosed in accordance with 37 C.F.R. § 1.98.

In addition to other art identified herein, applicant has determined that a prior art device marketed by Bayer Corporation under the trademark GLUCOMETER ELITE® was being sold more than a year before the earliest priority date for this application, and therefore

01/24/2007 EAREGAY1 00000006 10692031

01 FC:1806

180.00 UP

into the strip, but would not be able to tell if it was filling the capillary channel or some lesser portion of the interior of the strip.

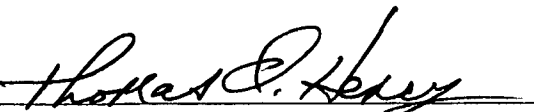
The Glucometer Elite test strip fails to provide opaque and/or colored portions which define a viewing area that confirms sufficient filling of the test strip when that viewing area has been filled with the blood sample. The opaque portions of the Glucometer Elite strip are not aligned with the sides of the capillary.

The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

This Statement is being submitted more than three months after the filing date of the application and after the mailing of the first Office Action on the merits, but before the mailing of a final action under § 1.113 or a Notice of Allowance under S 1.311.

In accordance with § 1.97(c), the fee as set forth in § 1.17(p) is enclosed. The United States Patent and Trademark Office is authorized to charge any deficiency or credit any refund to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By 
Thomas Q. Henry, Reg. No. 28,309
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

Under the Paperwork Reduction Act of 1997, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/692,031		
		Filing Date	October 23, 2003		
		First Named Inventor	William CRISMORE		
		Art Unit	1743		
		Examiner Name	Lyle Alexander		
Sheet	1	of	1	Attorney Docket No.	7404-571

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LA/

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 4,323,536	04/06/1982	Columbus	
		US- 5,229,299	07/20/1993	Terry	
		US- 5,310,525	05/10/1994	Churchouse	
		US- 5,320,732	06/14/1994	Nankai et al.	
		US- 5,366,902	11/22/1994	Cox et al.	
		US- 5,563,042	10/08/1996	Phillips et al.	
		US- 5,843,691	12/01/1998	Douglas et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		CN 1146016	03/26/1997	Panasonic Corporation		<input type="checkbox"/>
		JP 5164756	6/29/1993	Rohto Pharmaceutical Co.		<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>

Examiner Signature	/Lyle Alexander/	Date Considered	06/28/2011
--------------------	------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /LA/

WEMMH PTO/SB/08b (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

NON PATENT LITERATURE DOCUMENTS

Examiner Signature	/Lyle Alexander/	Date Considered	06/28/2011
--------------------	------------------	-----------------	------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional).

²Applicant is to place a check mark here if English language Translation is attached.

#440133